

5 March 1959

11-6225

MEMORANDUM FOR: Mr. Karamessines

SUBJECT: Congressional Watchdog Committee on
CIA

1. With the exception of one or two specific points, which I will deal with below, this paper is an eloquent expression of a defensible point of view on the subject. My main problem is that I do not altogether subscribe to the point of view, as you may have gathered at our meeting a few weeks ago.

2. In balance, I feel that the Agency would be better off without a Joint Committee. I agree with your statement that the creation of such a committee would not in itself eliminate the Director's problem of having to appear repeatedly before a wide variety of Congressional groups. I do feel, however, that such a committee could be helpful in reducing the number of appearances before different groups, particularly if it included within its membership representatives of the Armed Forces, Appropriations, and Foreign Affairs and Foreign Relations Committees.

3. My main point is that I do not foresee all the dire consequences you point out in the formation of a committee. You assume, in Paragraph 11, that such a committee would have a large staff. I don't believe that this would necessarily be the case, and in fact when the point was raised not long ago with Mike Mansfield, the principal proponent of a Joint Committee in the Senate, he readily agreed that the staff should be small and very select. Actually, under the present system, there are a large number of staff people on various committees who have a fairly intimate knowledge of the workings and activities of the Agency. It seems to me that this current problem would be easier to control if a single committee and its staff were primarily responsible to the Congressional leadership.

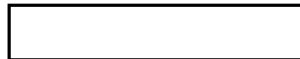
4. I think your observations in Paragraph 7 on the Atomic Energy Committee are only partially valid. It

- 2 -

is true that the Commission as an agency is not comparable to our own, but I believe that you understate the jurisdiction of the Joint Committee, which deals with matters of the greatest sensitivity, and which far transcend the specific responsibilities and problems of the Atomic Energy Commission.

5. In sum, I feel that it would be a mistake for the Agency or the White House to get involved in a lobbying campaign against a Joint Committee if the Congressional winds are clearly blowing in that direction (a fact which should be easily ascertainable). The Agency's good friends on the Hill are fully aware of the security and other problems involved in such a committee. They are also aware of the fact that the Agency lacks a voice in the Congress created by the Congress, and that this situation makes it almost impossible to defend our interests in that body. If, therefore, it appears that it is the clear intent of Congress to create a Joint Committee, I think we would be well advised to work with the leadership in seeing that the Committee properly represents the standing committees with a legitimate interest in American intelligence, and that its staff and activities be kept down to secure proportions.

James A. Baker



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*This must be
the paper by Tom
Hawkins on the
CIA subcommittee
paper
7/9/69*

SUBJECT: Congressional Watchdog Committee on CIA

1. The question of a Congressional watchdog committee on CIA has relevance to the primary mission of the Clandestine Services, - the creation of an effective world-wide clandestine mechanism. This memorandum examines the impact which such a Congressional committee could have upon the future of the Clandestine Services and of the Agency.

2. Friends of the Agency argue that the Agency needs such a committee to protect it against too frequent Congressional calls. It is proper to ask whether a joint committee can indeed protect the interests of the Agency by relieving it of the necessity for responding to frequent Congressional requests, and whether the price paid for this in reduced security would be worthwhile, as against our present expenditure of time and effort to keep the CIA sub-committees informed.

3. The Agency has been keeping several Congressional sub-committees informed on its programs and costs, and even on some of its actual operations. This has apparently tended to whet rather than lessen Congressional interest in the Agency. There is no assurance that this additional committee will, in the long run, be effective in warding off multiple inquisitions when matters of

SECRET

- 2 -

underlying domestic political significance, such as the current inquiry into our missiles program, are being hotly debated. The McCarthy era with its attendant spectacle of committees and sub-committees jostling for headlines is too recent an example.

4. The shield available to the Agency in those days still exists. It was forged on the principle that the Director is responsible only to the President and the NSC, as the confidential intelligence arm of the Executive. There were no chinks in that shield, and the Director could face the Congress and stand on this principle, and he did it successfully. The creation of a joint committee, with the powers and authorities to inquire into the last detail of Agency personnel, funds, activities and policies, would breach the shield and render it useless once and for all. As the DD/P, Mr. Bissell, recently put it in addressing the current JOT class, although in another context: "Our Agency is the last refuge of organizational privacy available to the U.S. Government." The compromise of this refuge should not be undertaken lightly, nor acquiesced in for reasons of current or other expediency.

5. It is wise to weigh what we would lose with the creation of such a joint committee against the price we pay currently in the absence of such a committee. A fully empowered joint committee could rapidly become a mistress impossible to satisfy. Our complicated and sensitive political action programs, psychological programs and radio

- 3 -

programs would be subjected to the ad hoc and uninformed scrutiny of self-styled staff experts with resultant comments and criticisms which would make our current tribulations with the Bureau of the Budget seem trivial by comparison. Inquiries into the qualifications and backgrounds, security and trustworthiness, political and social views of our personnel, without exception, could easily become one of the committee's principal preoccupations and pastimes. The political interplay and interaction of the parochial interests of one or more members of such a joint committee, let loose among the delicate and finely woven fabric which constitutes the structure of the Clandestine Services liaison and other operational relationships abroad, could do incalculable and irreparable damage.

6. Unique among the intelligence services of the world, we would no longer be in a position to guarantee in good faith to any of our foreign liaisons that we could provide the kind of inviolability of their confidences which we now resolutely affirm. The experience of the Federal Bureau of Investigation with its Canadian liaison following careless Congressional handling of Canadian security information is a case in point.

7. It cannot be argued plausibly that the joint committee on Atomic Energy is a good example of the advantages which would accrue to the Agency if a CIA committee were to be established. The joint

- 4 -

committee on Atomic Energy deals almost exclusively with matters of domestic control, and with policies, funds, activities and programs having pre-eminently and fundamentally domestic implications. Only in a secondary sense and in a limited way does the work of the Atomic Energy Commission acquire sensitive foreign implications. Its secrets are similar to those of any giant U.S. industrial enterprise. They are the secrets of nuts and bolts, production statistics and technical formulae. They do not have any of the direct relevance to day-by-day and hour-by-hour conduct of foreign activities which informs the daily work of this Agency. Unlike those of the CIA, the secrets of the Atomic Energy Commission are of a fixed and absolute nature, allowing little or no scope for domestic political exploitation.

8. As we now stand, we are still dedicated to the principle which protected the Agency in the days of McCarthy and which could protect us again when there is a re-occurrence of those days as there must inevitably be in a democracy such as ours. By feeling secure behind this shield of principle, we feel free to go to the Congress represented by its special committees on our affairs, and to discuss with them within a framework of ground rules which we have had a large hand in establishing, those matters of genuine and admitted Congressional interest such as our main budgetary provisions and the general course of our programs. It is true that, from time to time, the Director is

SECRET

- 5 -

summoned to testify before other committees inquiring into current problems. It is also true, however, that he feels confident in the knowledge that he enjoys the fundamental protection of the shield if and as he needs to resort to it. We are therefore better off in this respect under our present arrangements than we would be with the establishment of a joint Congressional committee and its inevitable consequences.

9. Perhaps the most compelling practical argument in favor of the Agency acquiescing in the proposals to establish such a committee is that, by so doing, the Agency may enjoy a greater hand in the formulation of the terms of reference within which such a committee will function. If Congressional committees functioned under procedural rules similar to those of our courts of law, this might be an acceptable risk but they do not. Once such a committee has been established it will be morally difficult if not impossible for any representative of the Agency to refuse to provide data on the grounds that the committee's agreed upon terms of reference precluded it. As a practical matter, such a refusal would place that representative and the Agency immediately in a difficult position. It is true that our present Director of Central Intelligence owing to his personal stature and reputation, would have little or no

SECRET

- 6 -

difficulty with this problem, particularly in view of his good friendships among members of the Congress. However, this would not necessarily be the case with those who will follow the present Director, and once this door has been opened to the Congress, especially if it should be done with the Agency's and the Executive's acquiescence, it will be practically impossible to close it again.

10. In this same sense, there is a collateral aspect that deserves the most careful attention. The activities of this Agency, in their foreign implications, cut across the interests of several of the government departments and agencies. In many respects, we are, in a sense, a composite mirror of many of their policies and activities. We hold, at the same time, the key which would unlock all kinds of doors into confidential matters affecting these other agencies. We would find it very difficult to protect the official confidences of our own sister agencies if we were to be exposed to a Congressional committee of the type contemplated.

11. Finally, for an Agency which seems already to spend a disproportionate share of its time and energies in reporting, briefing and being investigated or monitored, the creation of the joint committee contemplated, with a large and highly curious staff, would add one more serious detraction from the Agency's mission.

- 7 -

12. For the above reasons it is earnestly recommended that we stand firm against the imposition of direct and undesirable Congressional supervision and monitoring of our activities.